

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Jose Leonardo Armenta-Rojas,
(A205 923 484)Defendant)

Case No. 17-9497 MJ)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 31, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), a felony, and Title 8, U.S.C. § 1325(a)(2) a class B misdemeanor, an offense described as follows:

See Attachment A Incorporated By Reference Herein

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: ^{CEB} Charles E. Bailey, P.S. for AUSA Jillian Besancon

☒ Continued on the attached sheet.


Complainant's signature
Valery Lozano,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: November 1, 2017


Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge
Printed name and title

ATTACHMENT A

Count 1

On October 31, 2017, Jose Leonardo Armenta-Rojas, an alien, was found in the United States of America at or near Mesa, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 11, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony.

Count 2

On October 31, 2017, at or near Mesa, in the District of Arizona, Jose Leonardo Armenta-Rojas, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.

STATEMENT OF PROBABLE CAUSE

I, Valery Lozano, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 31, 2017, the Phoenix ICE Fugitive Operations Team encountered Jose Leonardo Armenta-Rojas during surveillance at 1711 S. Extension Road, in Mesa, Arizona. ICE Fugitive Operations officers considered Armenta-Rojas to be an enforcement priority, illegally present in the United States. On the same date, Armenta-Rojas was transported to the Phoenix ICE office for further investigation and processing. Armenta-Rojas was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Jose Leonardo Armenta-Rojas to be a citizen of Mexico and a previously deported criminal alien. Armenta-Rojas was removed from the United States to Mexico through Nogales, Arizona, on or about May 11, 2013, pursuant to an order of removal issued by an immigration official. There is no record of Armenta-Rojas in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to

return to the United States after his removal. Armenta-Rojas' immigration history was matched to him by electronic fingerprint comparison.

4. Furthermore, there is no record of Jose Leonardo Armenta-Rojas in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Armenta-Rojas presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Armenta-Rojas entered the United States at a location not designated as an official Port of Entry, and thereby eluded examination and inspection by Immigration Officers of the United States. Armenta-Rojas' immigration history was matched to him by electronic fingerprint comparison.
5. On October 31, 2017, Jose Leonardo Armenta-Rojas was advised of his constitutional rights. Armenta-Rojas freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 31, 2017, Jose Leonardo Armenta-Rojas, an alien, was found in the United States of America at or near Mesa, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

at or near Nogales, Arizona, on or about May 11, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and on October 31, 2017, at or near Mesa, in the District of Arizona, Jose Leonardo Armenta-Rojas, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2).



Valery Lozano
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 1st day of November, 2017.



Eileen S. Willett,
United States Magistrate Judge